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|-------------------------------|------------------------|---------------------|--|
| <b>Notice of Allowability</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                               | 10/781,973             | OSTROVSKY, ILYA     |  |
|                               | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                               | WILLIAM T. LEADER      | 1795                |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the RCE filed on November 16, 2009.
2. ☒ The allowed claim(s) is/are 63-75.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| <ol style="list-style-type: none"> <li>1. <input type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br/>Paper No./Mail Date _____</li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br/>of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application</li> <li>6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date <u>12/9/09</u> .</li> <li>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____.</li> </ol> |
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### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with James Crawford on December 21, 2009.

In the Claims:

Claims 63, 67 and 75 have been rewritten as follows:

63. (currently amended) A method of treating the surface of a metallic workpiece comprising the steps of:

- a) providing a surface comprising at least one of a metal, a metal alloy, or a mixture thereof; whereby at least one of the metal or metal alloy is anodizable and is used as an electrode;
- b) contacting said metallic surface with an anodizing solution;
- c) providing at least one other electrode in contact with said anodizing solution; and
- d) passing a direct current or an alternating current between said metallic surface and said other electrode through said anodizing solution to form a gel layer on said metallic surface;
- e) wherein said anodizing solution is an aqueous solution having a pH greater than 7 and

comprises:

- i. a phosphorus and oxygen containing anion in a concentration of from 0.01 to 100 g/L calculated as  $\text{PO}_4$  ;
  - ii. at least one water-soluble inorganic hydroxide;
  - iii. at least one surfactant;
  - iv. ~~at least one alcohol having at least one alkaline radical group~~, at least one alkaline hydrolyzed silane or a mixture thereof of at least one alkaline hydrolyzed silane and at least one alcohol having at least one alkaline radical group; and
  - v. ~~an essential content of~~ at least one alkali metal,
- to form a layer containing non-conductive polymer on said metallic surface, wherein the non-conductive polymer is transformed to a gel layer and wherein the gel layer is stabilized with the aid of at least one surfactant, at least one alcohol, or a derivative or mixture thereof, wherein a current density of between 2 and 12  $\text{A/dm}^2$  is provided.

67. (currently amended) The method of claim 63, wherein said workpiece is used as an anode for direct current ~~or as an electrode for alternative current~~.

75. (currently amended) A method of treating the surface of a metallic workpiece comprising the steps of:

- a ~~f~~) providing a surface comprising at least one of a metal, a metal alloy, or a mixture thereof, whereby at least one of the metal or metal alloy is anodizable and is used as an electrode;
- b ~~g~~) contacting said metallic surface with an anodizing solution;
- c ~~h~~) providing at least one other electrode in contact with said anodizing solution; and
- d ~~i~~) passing direct current between said metallic surface and said other electrode through said anodizing solution to form a gel layer on said metallic surface,
- e ~~j~~) wherein said anodizing solution is an aqueous solution having a pH greater than 7 and comprises:
  - i. a phosphorus and oxygen containing anion in a concentration of from 0.01 to 100 g/L calculated as  $\text{PO}_4$ ;
  - ii. a water-soluble inorganic hydroxide in the range of from 0.01 to 100 g/L;
  - iii. at least one surfactant in the range of from 0.005 to 3 g/L;
  - iv. a hydrolyzed alkaline silane in the range of from 0.1 to 50 g/L, and
  - v. ~~an essential content of~~ at least one alkali metal,to form a layer containing non-conductive polymer on said metallic surface, wherein the non-conductive polymer is transformed to a gel layer and wherein the gel layer is stabilized with the aid of at least one surfactant, at least one alcohol, or a derivative or mixture thereof, wherein a current density of between 2 and 12  $\text{A/dm}^2$  is provided.

In the Title:

The Title has been rewritten as follows:

Method Of Anodizing Metallic Surfaces ~~And Compositions Thereof~~

In the Specification:

On page 5 after paragraph [0012] the follow Brief Description of the Drawings has been inserted:

#### Brief Description Of The Drawings

Fig. 1 is a graph illustrating current and voltage versus time in an anodizing method using a controlled micro-sparking regime.

Fig. 2 is a graph illustrating current versus time in a method with low anodizing conditions where a controlled micro-sparking regime is not reached.

Fig. 3 is a graph illustrating current versus time in a method with strong anodizing conditions where a controlled micro-sparking regime is not reached.

#### COMMENTS

2. The Title has been amended to delete the reference to compositions since claims directed to compositions have been canceled and all allowed claims are directed to a method of anodizing.

3. As explained in section 608.01(f) of the MPEP, when there are drawings, there shall be a brief description of the several views of the drawings. See also 37 CFR 1.74. The Specification was filed without a Brief Description of the Drawings, although Figures 1, 2 and 3 were described in paragraphs [0050] to [0052]. A Brief Description based on paragraphs [0050] to [0052] has been provided.

4. The claims have been amended to overcome the rejections of record.

5. The following is an examiner's statement of reasons for allowance: Subparagraph j) iv. of claim 75 as presented by applicant (now subparagraph e) iv.) is limited to a hydrolyzed alkaline silane. This limitation in combination with the other recited claim limitations is considered to distinguish claim 75 from the prior art of record. In claim 63 subparagraph e) iv. has been amended to recite "at least one alkaline hydrolyzed silane or a mixture of at least one alkaline hydrolyzed silane and at least one alcohol having at least one alkaline radical group." This limitation in combination with the other recited claim limitations is considered to distinguish claim 63 from the prior art of record, and to overcome the nonstatutory obviousness-type double patenting rejection.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM T. LEADER whose telephone number is (571) 272-1245. The examiner can normally be reached on Mondays-Thursdays and alternate Fridays, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick J. Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William Leader/  
December 30, 2009



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/PATRICK RYAN/  
Supervisory Patent Examiner, Art Unit 1795